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C O N F I D E N T I A L BANGKOK 007100

SIPDIS

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SUBJECT: AUDITOR-GENERAL SELECTION PROCESS TO BEGIN ANEW

REF: BANGKOK 6240 AND PREVIOUS

Classified By: POLITICAL COUNSELOR SUSAN M. SUTTON. REASON: 1.4 (D)

1. (SBU) SUMMARY. The continued controversy over the placement of an Auditor General reached a turning point on November 10th, when, after failing to receive a directive from Thailand's Constitutional Court, Thailand's State Audit Commission decided that the best course of action was to begin the selection process from scratch. Khunying Jaruwan, the Auditor-General sidelined for nearly 18 months while the bureaucrats argue her fate, is due to complete her term by the end of 2006 and will likely not serve in the position again. By choosing this option in lieu of requesting that the Senate seek counsel from the King, the process is likely to be prolonged and controversial. END SUMMARY.

2. (U) As noted in previous reporting, Thailand's Auditor-General has been sidelined since a group of TRT-leaning Senators successfully pushed for the Constitutional Court to declare her original appointment process illegal. The follow-up nomination of a successor and the silence from the King created a political quagmire that embarrassed the Thaksin administration. Since the successive nominee voluntarily withdrew from the process, the case had since been thrown back to the State Audit Commission for further discussion. The State Audit Commission had the option to reinstate Jaruwan, but it would have come at a tremendous loss of face for the Commission.

3. (SBU) The follow-up activities by the State Audit Commission have been widely viewed as delaying tactics by the TRT, since any delay in resolving the issue keeps the Office of the Auditor-General leaderless and effectively shuts down the agency's investigation activities. The State Audit Commission, believed by critics to be influenced by the TRT, opted to send the issue to the TRT-influenced Constitutional Court to request additional clarification. The Court, after lengthy deliberations, decided that they were not going to provide any clarification, forcing this back to the State Audit Commission. With only two options left -* sending this for the Senate to seek the guidance of the King, or starting the nomination process over from the very beginning -* the Commission chose to start from scratch.

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JUDGMENT DAY IS DELAYED, BUT CANNOT BE AVOIDED
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4. (C) The Commission, in choosing to start from scratch, has only prolonged the inevitable: this issue will be revisited by King Bhumipol. Once the Senate forwards the nominee to the King, the process will start over and could take months, especially with Senate elections slated for next spring. The King will either endorse the nominee *- thereby removing Jaruwan from office -* or remain silent. If the King remains silent after the State Audit Commission has gone through all the correct procedures in selecting their nominee, it could be read as signaling His Majesty's belief that Jaruwan remains the rightful auditor-general.

5. (C) Comment: Many political commentators are angry over the State Audit Commission's decision to move forward without apparently consulting with the Palace. The King's silence when asked to endorse the Senate's original candidate to replace Jaruwan was read as support for her to remain. Sending another name forward, again without consulting with the King, could provoke further disapproval from the Palace and its supporters. End Comment.

BOYCE